

HOUSE BILL No. 1398

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-31-1.

Synopsis: Professional engineers. Establishes procedures under which the board of registration for professional engineers may issue a cease and desist order. Amends the professional engineer certification law concerning the examination, application, ownership of a professional engineering business, and revocation or suspension of a certificate of registration.

Effective: July 1, 2004.

McClain, Chowning

January 20, 2004, read first time and referred to Committee on Appointments and Claims.

C
o
p
y



Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

HOUSE BILL No. 1398

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-31-1-14 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 14. (a) The
3 examination required of all applicants for registration as a professional
4 engineer shall be a written examination which shall be divided into the
5 following two (2) parts, each of eight (8) hours duration:

6 (1) Engineering fundamentals.

7 (2) Principles and practice of engineering.

8 The board may adopt rules under IC 4-22-2 establishing additional
9 examination requirements.

10 (b) The engineering fundamentals portion of the examination shall
11 be designed to test the applicant's knowledge of mathematics and the
12 physical and engineering sciences. The standards of proficiency
13 required shall approximate that attained by graduation in an approved
14 four (4) year engineering curriculum.

15 (c) The principles and practice of engineering portion of the
16 examination shall be designed primarily to test the applicant's
17 understanding of, and judgment and ability to apply correctly, the

2004

IN 1398—LS 7154/DI 110+



C
o
p
y

principles of:

- (1) mathematics;
- (2) the physical sciences;
- (3) the engineering sciences; and
- (4) engineering design analysis and synthesis;

to the practice of professional engineering. A part of the examination may be designed to test the applicant's knowledge and understanding of the ethical, economic and legal principles relating to the practices of professional engineering.

(d) An applicant for registration as a professional engineer who holds an engineering intern certificate issued in Indiana or in any other state or territory having equivalent standards may be exempted from the engineering fundamentals portion of the examination.

(e) An applicant must successfully pass the engineering fundamentals portion of the examination before taking the principles and practice portion of the examination.

(f) Examinations shall be held at times and places as determined by the board at least two (2) times each year. Examinations for certification as an engineering intern may be held separately from the examinations for registration as a professional engineer.

(g) An applicant for registration as a professional engineer who is presently registered in another state or territory may be assigned a written examination as the board deems necessary to meet the requirements of this chapter.

(h) An applicant for registration as a professional engineer who fails in the first examination may request to be readmitted for a second examination at either of the next two (2) regularly scheduled examinations. Upon application and at the discretion of the board, an applicant who misses:

- (1) the originally scheduled examination; or
- (2) the next two (2) regularly scheduled examinations;

may be given permission to appear for another regularly scheduled examination. The amount of fee to be paid for each examination shall be determined by the board under IC 25-1-8-2.

(i) If an applicant who has failed ~~two (2)~~ **three (3)** or more examinations reapplies and submits evidence of acquiring additional knowledge for the examination the board may give the applicant approval to take subsequent examinations.

SECTION 2. IC 25-31-1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 18. (a) A registration certificate for a professional engineer may be issued only to a natural person.

C
o
p
y



(b) A business, including a proprietorship, partnership, or corporation, doing business in Indiana may not practice or offer to practice engineering unless ~~that practice is carried on under the responsible direction and supervision of a registered professional engineer who is a full-time employee of the business.~~ **at least fifty percent (50%) of the persons who have an ownership interest in the business are registered as:**

- (1) a professional engineer under this chapter; or**
- (2) a professional land surveyor under IC 25-21.5.**

All plans, sheets of designs, specifications, reports, studies, or other engineering documents that require certification and are prepared by the personnel of a business must carry the signature and seal of the registered professional engineer who is in responsible charge of the professional engineering work.

SECTION 3. IC 25-31-1-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 21. The board may, upon application and payment of a fee established by the board in the board's rules, issue a certificate of registration as a professional engineer to an individual who:

- (1) holds a valid certificate of registration as a professional engineer, issued to the applicant by the proper authority of any state or territory or possession of the United States if the requirements for registration of professional engineers that the certificate of registration was issued under do not conflict with the provisions of this chapter. In determining the qualifications of an applicant, the board may accept the verified professional record of the applicant that is certified by the National Council of Examiners for Engineers and Surveyors; or**

(2) has:

- (A) at least three (3) years of work experience in the area of professional engineering and completed an engineering curriculum approved by the board; and**
- (B) before taking the examination as provided for in section 14 of this chapter, been registered or licensed as a professional engineer in another state for at least ten (10) years.**

SECTION 4. IC 25-31-1-27.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 27.5. The board may refuse to renew or issue a certificate of registration of, revoke a certificate of registration of, impose a penalty of not more than one thousand dollars (\$1,000) against, or take any combination of these actions**

C
o
p
y



against an individual who does any of the following:

- (1) Engages in any of the acts listed in section 27 of this chapter.
- (2) Engages in gross negligence, incompetence, or misconduct in the practice of engineering.
- (3) Violates:
 - (A) a provision;
 - (B) a rule adopted or an order issued by the board; or
 - (C) the code of professional practice and conduct adopted by the board;
 under this chapter.
- (4) Employs, procures, or induces a person not registered or certified under this chapter to practice engineering.
- (5) Aids or abets a person not registered or certified under this chapter to practice engineering.
- (6) Grants a certification or registration upon a material mistake of fact.
- (7) Is convicted by a court of law of a felony or crime involving moral turpitude.
- (8) Suffers from alcohol or drug abuse, potentially jeopardizing the safety of individuals through the individual's practice of engineering.
- (9) Develops a physical or mental disability, potentially jeopardizing the safety of individuals through the individual's practice of engineering.
- (10) Has a license, certification, or registration denied, revoked, suspended, or limited in another state on similar grounds that the board may deny, revoke, suspend, or limit certification or registration under this chapter.
- (11) Engages in conduct that deceives or defrauds the public.
- (12) Provides certification for a plan, specification, plat, report, or physical description not prepared by the person or under the person's direct supervision.
- (13) Applies a seal, stamp, signature, or title block of another professional engineer to a plan, specification, plat, report, or physical description not prepared by the professional engineer.

SECTION 5. IC 25-31-1-29.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 29.5. (a) If the board determines that an individual who is not registered, certified, or exempt under this article is engaged in or believed to be engaged in activities that**

C
o
p
y



1 require registration or certification under this article, the board
2 may issue an order to the individual requiring the individual to
3 show cause why the individual should not be ordered to cease and
4 desist from the activities.

5 (b) A show cause order issued under subsection (a) must set
6 forth a date, time, and place for a hearing under IC 4-21.5 at which
7 the individual may appear and show cause why the individual
8 should not be subject to registration or certification under this
9 article.

10 (c) If the board, after a hearing, determines that the activities in
11 which the individual is engaged are subject to registration or
12 certification under this article, the board may issue a cease and
13 desist order that identifies the individual and describes activities
14 that are the subjects of the order.

15 (d) A cease and desist order issued under this section is
16 enforceable in a circuit or superior court.

**C
o
p
y**

